

AUG 12 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of SMIT et al.

Application No.: 08/807,506

Filed: February 26, 1997

For: GRADUAL MODIFICATION, SUPER-AGONISTS AND ANTAGONISTS OF
SIGNAL PROTEINS AND PEPTIDES

Art Unit: 1648

Examiner: Timothy M. Brown

Attorney Docket No: 7392/71226

Customer No: 42798

CONFIRMATION NO: 5096

August 12, 2004

THIRD REQUEST FOR:

- (1) CONSIDERATION OF SUPPLEMENTAL AMENDMENT
FILED JANUARY 15, 2003;**
- (2) RENEWED REQUEST TO RE-SET RESPONSE TIME; AND**
- (3) CORRECTION OF PAIR**

Commissioner for Patents

220 20TH St. S.

Customer Window, Mail Stop: NON-FEE SUBMISSION

Washington, D.C. 20231

Dear Sir:

Applicant's representative files this THIRD REQUEST. Now that the PTO has located and entered the Supplemental Amendment filed January 15, 2003, please re-set the response time to the Office Action dated April 19, 2004 because the Examiner did not have a chance to review the proper pending claims before issuing that Office Action.

Applicants' representative also respectfully suggests that steps be taken to correct the PAIR system. For instance, Applicant's April 29, 2004 *first* Request for status and for a re-set the response period is apparently not even listed in PAIR.

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Applicant acknowledges with appreciation that the January 15, 2003 Supplemental Amendment now appears in PAIR. (See Applicant's two earlier Requests to locate and enter said paper.)

However, the April 19, 2004 Office Action did not address the claims presented for examination. Applicants respectfully renew their requests of April 29, 2004 and July 2, 2004 that the response time be re-set after the Examiner has been afforded time to review the January 15, 2003 Supplemental Amendment.

The favor of early consideration of this *Third* Request is respectfully solicited.

This *Third* Request (2 pages) was filed by facsimile to 703-872-9306 this 12th day of August 2004.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

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